

Hotel Motel Occupancy Instructions

1. Use the Durham County Hotel/Motel Occupancy Tax Return to report six percent (6%) of gross receipts derived from the rental of any room, lodging, or similar place within the county.
2. This tax does not apply to gross receipts derived by the following entities from accommodations furnished by them: (1) religious organizations (2) educational organizations (3) nonprofit charitable organizations, and (4) any room or rooms, lodging or accommodations supplied to the same person for a period of 90 continuous days or more.
3. A return shall be filed monthly on or before the fifteenth (15th) day of each month for all taxes due for the preceding calendar month. The taxes due shall be remitted with the monthly return or additional charges will incur. Remittance should be made by check or money order made payable to: Durham County Tax Collector. **DO NOT SEND CASH OR STAMPS.** If you do not owe any tax for a month, you should file a report showing "No Tax Due" on line 4. A return filed with Durham County under this ordinance is not public record as defined by section 132-1 of the N.C. General Statute and may not be disclosed except as required by law.
4. Returns must be received in the Durham County Tax Collector's office or postmarked by the U.S. Postal Service or overnight carrier, by the fifteenth (15th) day of the month. The return shall state the total gross receipts collected in the preceding month from rentals upon which the tax is levied. A person, firm, corporation or association who fails or refuses to file a room occupancy tax return or pay a room occupancy tax as required by law is subject to the civil and criminal penalties set by G. S. § 105-236 for failure to pay or file a return for State sales and use taxes. The governing board of the taxing county has the same authority to waive the penalties for room occupancy tax, as the Secretary of Revenue has to waive the penalties for State sales and use taxes.

The Following is a brief description of penalties assessed under G.S. § 105-236:

Penalty for bad checks – When a check is returned because of insufficient funds or the nonexistence of an account, a penalty shall be assessed equal to ten percent (10%) of the check, with a minimum of one dollar (\$1.00) and a maximum of one thousand dollars (\$1,000).

Failure to file return – In case of failure to file a return on the date it is due, a penalty shall be assessed equal to five percent (5%) of the amount of the tax if the failure is not for more than one month. With an additional five percent (5%) for each additional month, or fraction thereof, during which the failure continues, not exceeding twenty-five percent (25%) in the aggregate, or five dollars (\$5.00), whichever is greater.

Failure to pay tax when it is due – In the case of failure to pay any tax when due, without intent to evade the tax, the penalty shall be assessed equal to ten percent (10%) of the tax, except that the penalty shall be less than five dollars (\$5.00).

G.S. 105-236. Penalties; situs of violations; penalty disposition

The Board of County Commissioners of Durham County, did, by resolution adopted on July 28, 1986, levy a room occupancy tax in Durham County pursuant to the authority granted by Chapter 969 Session Laws of North Carolina.

Inquiries should be directed to the Durham County Tax Administration at 919-560-0300.